



SUPREME COURT OF ARIZONA

JUVENILE TREATMENT AND SERVICES FUND
ADMINISTRATIVE REQUIREMENTS

Administrative Order No. 89-20
(Supersedes Administrative Order No. 84-11)

In order to administer funds appropriated to the Arizona Supreme Court and to carry out the activities and programs established pursuant to A.R.S. §§8-230.01, 8-230.02 and 8-243, and in accordance with the administrative authority vested in the Supreme Court by Article VI of the Arizona Constitution.

IT IS ORDERED THAT:

1. The attached administrative requirements related to the Juvenile Probation Fund are adopted.
2. The new administrative requirements hereby adopted shall take effect on August 1, 1989.
3. To avoid confusion with the Juvenile Probation Services Fund, another statutory fund, the Juvenile Probation Fund shall be referred to as the Juvenile Treatment and Services Fund.

4. A copy of the administrative requirements shall be distributed to all presiding juvenile court judges, chief probation officers, and to all persons who require copies no later than ninety days after the effective date of this order.

DATED AND ENTERED this 1st day of August, 1989,
at the State Capitol in Phoenix, Arizona.

For the Court:

FRANK X. GORDON, JR.
Chief Justice

Supreme Court of Arizona

**JUVENILE PROBATION FUND
ADMINISTRATIVE REQUIREMENTS**

EFFECTIVE August 1, 1989

A. Purpose

The Juvenile Probation Fund (herein referred to as the Juvenile Treatment and Services Fund) is established in A.R.S. §8-230.02 and is comprised of monies appropriated by the legislature. Pursuant to A.R.S. §8-230.02(C), the funds may be expended to fund programs to reduce the number of repetitive juvenile offenders and to provide services approved by the Administrative Director, including treatment, testing, residential and shelter care, and other foster care placements for children referred to the juvenile courts for incorrigibility or delinquency offenses pursuant to A.R.S. §8-243(A). Monies in the fund shall be expended pursuant to these and any other pertinent statutes and the administrative requirements adopted by the Arizona Supreme Court.

B. General Administrative Requirements

1. The Juvenile Treatment and Services Fund shall be administered on behalf of the Supreme Court by the Administrative Director of the Courts.

2. As used in this order, the term "Administrative Director" means the director of the Administrative Office of the Courts or his designee.

3. The Administrative Director is authorized to prescribe and adopt policies and procedures, forms, distribution and rate schedules, procedures for revertment of funds, and all reports necessary for financial and program administration, program and contract monitoring and evaluation, program standards, management of the fund, payment for authorized services, and all other requirements imposed by law or Supreme Court order.

4. The Administrative Director shall administer and monitor the fund and shall have the authority to inspect, audit, or have audited the records of any juvenile court or its subcontractors related to the use and expenditure of funds provided through the fund. All subcontracts shall include a provision acknowledging the authority of the Administrative Director to conduct such inspections and audits.

C. Program Requirements

1. The Administrative Director shall allocate monies in the fund based on his determination of the need for and probable effectiveness of each plan submitted pursuant to

A.R.S. §8-230.02(B). When appropriate the Administrative Director shall review the use and need of the fund and reallocate monies in the fund as appropriate or necessary.

2. Each presiding juvenile court judge shall submit to the Administrative Office of the Courts a plan for the expenditure of the monies allocated to the juvenile court in each county in accordance with the following statutes.

- a. Pursuant to A.R.S. § 8-230.02(C), the plan shall describe how monies allocated to the juvenile court will be used to fund programs for the purpose of reducing the number of repetitive juvenile offenders, and those in which juveniles are required to participate by a juvenile probation officer as a condition precedent to adjustment of a delinquency complaint or a complaint or citation alleging an alcohol offense pursuant to A.R.S. §8.230.01.
- b. Pursuant to A.R.S. §§8-230.02 and 8-243, the plan shall describe how monies allocated to the juvenile court will be used to provide services for children referred to the juvenile court for incorrigible or delinquent offenses. The plan submitted by the juvenile court shall include a budget for the expenditure of the allocated monies.

3. All plans and plan modifications must comply with applicable laws and these administrative requirements. The Administrative Director is authorized to approve those plans and modifications which:

- a. Demonstrate a reasonable chance of reducing the number of repetitive juvenile offenders;
- b. Provide for the cost of services for children referred to the juvenile court;
- c. Include a budget outlining reasonable costs associated with developing and operating the fund-related programs; and,
- d. Conform with the applicable laws and this order.

4. Modification of approved plans related to A.R.S. §8-230.02(C) shall comply with the policies established by the Administrative Director. In the event that the Administrative Director disapproves or rejects a plan or plan modification submitted by a juvenile court, the plan shall be submitted to the presiding juvenile court judge for re-consideration. If the presiding juvenile court judge requests, the plan will be submitted to the Chief Justice for review and final determination.

5. Each participating juvenile court shall submit its plan and budget for expenditures in the format and on forms as required by the Administrative Office of the Courts. Plans should be submitted by May 31 of each year and shall be processed in order of receipt when possible.

6. Upon approval of a plan submitted by a juvenile court, the Administrative Director shall enter into a written funding agreement with the submitting juvenile court for distribution of the allocated funds on a basis determined by the Administrative Director. The funding agreements will identify those funds which will be distributed to the juvenile courts and those retained by the Administrative Office of the Courts for payment of fund expenditures. The Administrative Director shall have authority to alter the funding agreement when (1) there are insufficient monies in the fund; (2) a financial need has not been demonstrated by a juvenile court; or (3) the juvenile court has not complied with the applicable statutes, these administrative requirements, or the conditions of an approved plan.

7. The Administrative Director may contract with providers for the fund or authorize juvenile court judges to contract for such services, in compliance with the Procurement Policies and Procedures of the Arizona Supreme Court, or local juvenile court procurement policies. The Administrative Director may authorize payment for the cost

of services for children ordered placed by the juvenile court in a facility where there is no existing contract and shall be exempt from complying with Rules 14 and 22 of the Procurement Policies and Procedures of the Arizona Supreme Court when such action is determined to be in the best interest of the child.

8. A contract entered into between the Supreme Court and any contract provider to provide services to juveniles pursuant to A.R.S. §8-230.02, shall provide that personnel employed by any contract provider who have direct contact with juveniles shall be fingerprinted as a condition of employment. Contractor personnel who have direct contact with juveniles shall certify on forms provided by the Supreme Court and notarized whether they are awaiting trial on or have ever been convicted of or committed any offenses as described in A.R.S. §8-230.02 (I).

9. Pursuant to A.R.S. §8-230.02 (K), the Administrative Director may determine whether to submit to the Director of the Department of Economic Security for review, requests for exception of employment in substance abuse treatment services for minors, not licensed by the Department of Economic Security.

10. The Administrative Director may enter into an intergovernmental agreement or intergovernmental service agreements with state departments for the purpose of

cooperative purchasing, program and contract monitoring, or the evaluation of resources pursuant to Rule 55 of the Supreme Court's Procurement Policies and Procedures.

11. Funds received pursuant to these administrative requirements shall be deposited into a separate special revenue fund with the county treasurer established pursuant to the procedures provided in Section III.B and IV.I of the Auditor General's Uniform Accounting Manual for Arizona Counties.

12. Pursuant to A.R.S. §8-230.02(D), monies distributed by the Supreme Court from the fund to a juvenile court shall be used to supplement, not supplant, funding provided by the county to the juvenile court. The Administrative Director may retain funds allocated to any juvenile courts and may authorize direct expenditures for the benefit of any courts.

D. Fund Management

1. The presiding judge of each participating juvenile court shall submit reports reflecting financial and program activity related to each court's plan as required by the Administrative Office of the Courts.

2. On or before August 31 of each year, a participating juvenile court shall return to the

Administrative Office of the Courts for reversion into the fund all fund monies disbursed which are unencumbered as of June 30 of each fiscal year and unexpended as of July 31. The reverted monies shall be accompanied by a closing financial statement and a program activity report related to each court's plan as of June 30, to be signed by the presiding juvenile court judge.

3. In the event that the Administrative Office of the Courts receives a claim for payment that appears to be unauthorized or unallowable, the Administrative Office of the Courts' staff is authorized to seek additional justification. If Administrative Office of the Courts' staff still considers the claim questionable, the matter will be forwarded to the deputy director of the Administrative Office of the Courts for review. The final determination shall be made by the Administrative Office of the Courts.

4. A participating juvenile court and its probation department, as a condition for receipt of fund monies, shall maintain and provide to the Administrative Office of the Courts such data and statistics as may be required by the Administrative Director for purposes of operating the fund, and conducting periodic evaluations required in A.R.S. §8-230.02(E).

5. The juvenile court and its probation department shall retain all financial records, applicable program records, and data related to each approved plan for a period of at least three years from the close of each fiscal year.

6. For purposes of uniform administration and coordination, documentation and recordkeeping, information retrieval and reporting, monitoring and evaluation and training, the Administrative Director may adopt additional uniform requirements regarding A.R.S. §§8-230.01, 8-230.02 and 8-243. Each participating juvenile court and probation department shall comply with these requirements. These and all other administrative requirements are subject to modification as necessary and feasible.